SUPREME COURT OF THE UNITED STATES

October Term, 1970

COLOMBO *v.* NEW YORK

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 175. Decided October 19, 1970

PER CURIAM.

The petition for a writ of certiorari is granted, the judgment is vacated and the case is remanded to the Court of Appeals of New York for further consideration in light of *Waller* v. *Florida*, 397 U. S. 387.

MR. JUSTICE BLACK is of the opinion that certiorari should be granted and the judgment reversed.